

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MICHAEL J. METTS and WENDY D. METTS,  
h/w,

Plaintiffs,

vs.

FLM DEVELOPMENT CO., INC., JAY-SCOT  
BUILDERS, INC. and FRANK J. PROVANZO,

Defendants.

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CIVIL ACTION

NO. 10-7233

**ORDER**

**AND NOW**, this 30th day of March, 2012, upon consideration of the Motion to Dismiss Plaintiffs' Second Amended Complaint (Dkt. No. 26) filed May 2, 2011 by FLM Development Co., Inc. and Jay-Scot Builders, Inc.; upon consideration of Plaintiffs' Response (Dkt. No. 29) thereto filed on May 19, 2011; upon consideration of the Motion to Dismiss (Dkt. No. 31) filed August 1, 2011 by Frank J. Provanzo; and upon consideration of Plaintiffs' Response (Dkt. No. 34) thereto filed August 19, 2011, for the reasons stated in the accompanying Memorandum Opinion,

**IT IS ORDERED** that the Motion to Dismiss of Jay-Scot Builders, Inc. is **GRANTED**, and Plaintiffs and Jay-Scot Builders, Inc. are directed to participate in arbitration in Lancaster County, Pennsylvania on all claims (Counts I through VI).

**IT IS FURTHER ORDERED** that the Motions to Dismiss Counts II and III of Plaintiffs' Second Amended Complaint for negligent misrepresentation and intentional misrepresentation are **GRANTED** and Plaintiffs shall have until April 30, 2012 to file a Third

Amended Complaint with respect to Counts II and III for negligent misrepresentation and intentional misrepresentation..

**IT IS FURTHER ORDERED** that the Motions to Dismiss are DENIED as to all remaining claims.

BY THE COURT:

/s/ Henry S. Perkin  
HENRY S. PERKIN,  
United States Magistrate Judge